



JUDICIAL STANDARDS COMMISSION
STATE OF NORTH CAROLINA

FORMAL ADVISORY OPINION: 2011-01

March 11, 2011

QUESTION:

May an emergency or retired/recalled judge ethically accept an appointment to serve on a municipal airport authority?

COMMISSION CONCLUSION:

The Judicial Standards Commission determined an emergency or retired/recalled state court judge may ethically accept an appointment to serve as a member of a municipal airport authority. Such service is conditional upon the impartial, independent and proper discharge of the judge's state court judicial duties.

DISCUSSION:

Canon 5G of the Code of Judicial Conduct restricts extra-judicial appointments to bodies relating to cultural or historical matters, the economic, educational, legal or governmental system, or the administration of justice. The Commission reasoned the function of a municipal airport authority is inextricably related to the local governmental system and economic development.

Service as an emergency or retired/recalled state court judge is part-time and compensated on a per diem basis. Emergency or retired/recalled judges are free to decline an offered commission to hold court. Therefore there is little likelihood the appointment to the airport authority would conflict with part-time judicial service. During the term of appointment to the airport authority, the judge should be vigilant and disqualify from any matter in which his/her impartiality could reasonably be called into question by reason of his/her extra-judicial service.

Reference:

North Carolina Code of Judicial Conduct
Canon 1
Canon 2A
Canon 3
Canon 5G